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APPLICATION NO. 057843-001	FILING DATE 01/16/99	FIRST NAMED INVENTOR BICKMAN	ATTORNEY DOCKET NO. 1-2113
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MACMILLIAN SOBANSKI & TODD  
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TOLEDO OH 43604

0511/0106

EXAMINER NGUYEN, T
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ART.UNIT 0702	PAPER NUMBER
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DATE MAILED: 01/06/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademark**

# Office Action Summary

Application No.  
09/025,531

Applicant(s)  
Beckman

Examiner  
Trinh Nguyen

Group Art Unit  
3726



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

3. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. **Claims 1, 6, and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobs et al. (US 5,561,902).

Jacobs et al. discloses a method for manufacturing a vehicle frame comprising the steps of: hydroforming the first and second side rails (36), securing a cross member (40) to the first and

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second side rails, connecting a component of a vehicle to one of the first and second integrally formed mounting structures, wherein one of the first and second integrally formed mounting structures comprises an inwardly extending protrusion (408).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2-5, 7-10, and 12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs et al. (US 5,561,902) in view of Shah et al. (US 5,666,840).

Jacobs et al. discloses most of the limitations of the claims, as stated above in paragraph 4, but fail to specify that the integrally formed mounting structure comprises an aperture within the structure and that the mounting structure comprises an inwardly extending protrusion.

Shah et al., on the other hand, teach the method of using an apparatus for piercing apertures through structure components in combination with the process of hydroforming (See Abstract and Figures 2-4), which results in an inwardly extending protrusion.

It would have been obvious in view of Shah et al. to incorporate the method of piercing apertures through the structure components of Jacobs et al. in place of the separately attached components, since this would be replacing one old and well known attachment means with

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another old and well known attachment means, so the purpose facilitating the attachment of various vehicle components onto the vehicle frame structure.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form PTO-892 encloses herewith.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trinh Nguyen** whose telephone number is **(703) 306-9082**.

In order to reduce pendency and avoid potential delays, Group 3700 is encouraging FAXing of response to Office Actions directly into the Group at (703) 305-3579 or (703) 305-3580. This practice may be used for filing papers not requiring fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Nguyen of Art Unit 3726 at the top of your cover sheet.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

*J. C. H.*  
*Art 3726*

TTN

January 4, 1999